

amendment of the tariff or tariffs affected shall be made by the issuing agent of such tariffs on not less than statutory notice to become effective not later than the effective date stated in the Notice of Revocation of Power of Attorney. In the event of failure to so amend the tariff or tariffs, the provisions therein shall remain applicable until lawfully canceled.

(Approved by the Office of Management and Budget under control number 3024-0038)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1323, Jan. 9, 1978; ER-1271, 46 FR 63218, Dec. 31, 1981]

§ 221.222 Method of withdrawing portion of authority conferred by power of attorney.

If a carrier desires to issue a power of attorney conferring less authority than a previous power of attorney issued in favor of the same agent, the new power of attorney shall not direct the cancellation of such previous power of attorney. In such circumstances, such previous power of attorney shall be revoked by issuing and filing a Notice of Revocation of Power of Attorney in the form and manner prescribed by § 221.221. Such revocation notice shall include reference to the new power of attorney "(see Power of Attorney No. —)", to be shown at the end of the body of the document.

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[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

§ 221.223 Procedure for alternate agent to assume the duties of and take over tariffs of the principal agent.

(a) *Alternate may act only upon death or disability of principal agent.* An alternate agent may exercise the authority granted in the power of attorney to the principal agent only in the event of death or disability of the principal agent. The term "disability" as used here and in the power of attorney means resignation, permanent transfer to other duties, or other duties, or other permanent absence of the principal agent, and does not mean temporary absence of the principal agent caused by vacation, illness, or other similar causes. After an alternate

agent has once exercised the authority granted by the power of attorney, the principal agent shall not thereafter act under such authority.

(b) *Affidavit to be made by alternate.* When an alternate agent assumes the duties of the principal agent, upon the death or disability of the principal agent, the alternate agent shall submit to the Board a sworn statement of the facts which justify his exercising the authority in the power of attorney. Such sworn statement shall be submitted to the Board on or before the date on which the alternate agent files any tariff publications under such authority.

(c) *Take-over supplement to be filed by alternate.* When an alternate agent assumes the duties of the principal agent, upon the death or disability of the principal agent, the alternate agent shall issue and file with the Board a supplement to each of the effective tariffs issued by the principal agent which shall comply with the following:

(1) Such supplements shall be filed to loose-leaf tariffs as well as book tariffs.

(2) Such supplement shall consist of a title page prepared in accordance with § 221.112(b) except:

(i) Such supplement shall not bear an effective date.

(ii) Such supplement shall contain the following statement (to be shown immediately below the description of the tariff's contents and territory):

On and after _____ (show date when principal agent ceased to act) this tariff (as amended), which was heretofore issued by _____ (show name and title of former agent), shall be considered as the issue of _____ (show name of alternate), Alternate Agent.

(3) All such supplements to all effective tariffs shall be filed at one time under one letter of tariff transmittal.

(d) *Revised title pages to be filed by alternate.* Simultaneously with the filing of take-over supplements pursuant to § 221.223(c), the alternate agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the principal agent for the purpose of specifically showing the name and title of the alternate agent in lieu of the principal agent's name and title wherever the latter appears on the title page.